

CHAPTER 183**PENALTIES FOR CERTAIN CRIMES***H.F. 652*

AN ACT relating to the penalties for certain crimes including crimes for which the penalty is an aggravated misdemeanor and the crime of false use of a financial instrument and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 715.6, Code 1983, is amended to read as follows:

715.6 FALSE USE OF A FINANCIAL INSTRUMENT – PENALTIES. The use of a financial instrument with the intent to obtain fraudulently anything of value by ~~one~~ a user who knows that the instrument is not what it purports to be, or who knows that ~~he or she~~ the user is not the person nor the authorized agent of the person who, as shown on the instrument, has the right to so use the instrument, ~~shall constitute~~ constitutes the false use of a financial instrument.

PARAGRAPH DIVIDED. False use of a financial instrument as defined in section 715.1, subsection 2, 3, or 4, is false use of a financial instrument in the first degree. False use of a financial instrument as defined in section 715.1, subsection 1, to obtain property one hundred dollars or more in value, is false use of a financial instrument in the first degree. False use of a financial instrument in the first degree is a class “C” “D” felony.

False use of a financial instrument as defined in section 715.1, subsection 1, to obtain property not exceeding one hundred dollars in value, is false use of a financial instrument in the second degree. False use of a financial instrument in the second degree is an aggravated misdemeanor.

The value of property for purposes of this section is its normal market or exchange value within the community at the time of the false use of a financial instrument with intent to obtain the property. If money or property is sought to be obtained by a series of false uses of financial instruments from the same person or location, or from different persons by a series of false uses of financial instruments which occur in approximately the same location or time period so that the attempts to obtain property are attributable to a single scheme, plan or conspiracy, such false uses of financial instruments may be considered a single false use of a financial instrument and the value may be the total value of all the property sought to be obtained.

Sec. 2. Section 903.1, Code 1983, is amended to read as follows:

903.1 MAXIMUM SENTENCE FOR MISDEMEANANTS.

1. When a person is convicted of a simple or serious misdemeanor and a specific penalty is not provided for, the court shall determine the sentence, and shall fix the period of confinement or the amount of fine, if such be the sentence, within the following limits:

1. For an aggravated misdemeanor, imprisonment not to exceed two years, or a fine not to exceed five thousand dollars, or both.

2. For a serious misdemeanor, imprisonment not to exceed one year, or a fine not to exceed one thousand dollars, or both.

3 a. For a simple misdemeanor, imprisonment not to exceed thirty days, or a fine not to exceed one hundred dollars.

b. For a serious misdemeanor, imprisonment not to exceed one year, or a fine not to exceed one thousand dollars, or both.

2. When a person is convicted of an aggravated misdemeanor, and a specific penalty is not provided for, the maximum penalty shall be imprisonment not to exceed two years, or a fine not to exceed five thousand dollars, or both. When a judgment of conviction of an aggravated misdemeanor is entered against any person and the court imposes a sentence of confinement for a period of more than one year the term shall be an indeterminate term.

Sec. 3. Section 2 of this Act amending section 903.1 of the Code, takes effect July 1, 1983, but also applies retroactively to January 1, 1978.

Approved June 7, 1983

CHAPTER 184

PROGRAMS FOR MATHEMATICS, SCIENCE AND FOREIGN LANGUAGE EDUCATION

H.F. 532

AN ACT to provide for the establishment of programs relating to science, mathematics, and foreign languages, and to make an appropriation.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 257.31 SOFTWARE CLEARINGHOUSE.**

1. The state board of public instruction under its authority granted in section 257.10, subsection 14, shall establish a computer software clearinghouse for instructional purposes to perform the following services for school districts, area education agencies, and merged area schools in this state:

- a. Acquire computer programs based upon curricular needs of educational agencies.
- b. Evaluate computer programs as to their appropriateness to educational programs used in this state.
- c. Catalog and organize computer programs.
- d. Reproduce and distribute computer programs.
- e. Provide for the development of appropriate educational materials to accompany the computer programs.

2. The state board shall establish a committee to coordinate the activities of the clearinghouse. The members of the committee shall meet as often as necessary to accomplish their duties and shall receive reimbursement for travel and necessary expenses from funds appropriated in this section.

The committee may negotiate agreements with public and private agencies in order to perform the services listed in subsection 1 and may charge users of the services listed in subsection 1 reproduction costs and other costs associated with the services.

3. There is appropriated from the general fund of the state to the department of public instruction, for the fiscal year beginning July 1, 1984 and each fiscal year thereafter, the sum of